

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 20

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AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 22-2-16-3, AS ADDED BY P.L.88-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Unless federal or state law provides otherwise, a unit may not establish, mandate, or otherwise require an employer to provide to an employee who is employed within the jurisdiction of the unit:

- (1) a benefit;
- (2) a term of employment;
- (3) a working condition; or
- (4) an attendance, **scheduling**, or leave policy;

that exceeds the requirements of federal or state law, rules, or regulations.

SECTION 2. IC 22-4-17-3.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.2. (a) **As used in this section, "attorney" refers to one (1) of the following:**

- (1) **An attorney in good standing admitted to the practice of law in Indiana.**
- (2) **An attorney in good standing admitted to the practice of law in another state who has been granted temporary admission to the state bar under Rule 3 of the Rules for Admission to the Bar and the Discipline of Attorneys adopted**



by the supreme court.

(b) An employer or an employing unit having an interest in a claim for benefits pending before an administrative law judge, the review board, or other individuals who adjudicate claims may be represented by:

- (1) an officer or other employee of the employer or employing unit as designated by the employer or the employing unit;
- (2) an attorney;
- (3) an accountant certified by and in good standing with the state; or
- (4) a representative of an unemployment compensation service firm.

(c) A claimant for benefits may be represented by:

- (1) the claimant in person;
- (2) an attorney;
- (3) an accountant certified by and in good standing with the state; or
- (4) an authorized agent of a bona fide labor organization to which the claimant belonged at the time the pending claim occurred.

(d) In addition to the persons listed in subsection (c), a claimant for benefits may designate a lay person of the claimant's choice to assist the claimant in the presentation of the claimant's case to the administrative law judge, the review board, or another individual who adjudicates claims.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) Before December 1, 2016, the department of workforce development shall amend 646 IAC 5-10-18 to make the rule comply with IC 22-4-17-3.2, as added by this act.

(b) This SECTION expires on the earlier of the following:

- (1) The date rules are adopted under subsection (a).
- (2) December 31, 2016.

SECTION 4. [EFFECTIVE JULY 1, 2016] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) The legislative council is urged to assign to the interim study committee on employment and labor established by IC 2-5-1.3-4 or another appropriate interim study committee during the 2016 legislative interim the topics of:

- (1) employee misclassification;
- (2) payroll fraud; and
- (3) the use of independent contractor status.



(c) If the topics described in subsection (b) are assigned to an interim study committee, the interim study committee shall issue a final report to the legislative council containing the interim study committee's findings and recommendations, including any recommended legislation, in an electronic format under IC 5-14-6 not later than November 1, 2016.

(d) This SECTION expires December 31, 2016.

SECTION 5. An emergency is declared for this act.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

